

JANUARY 30, 2003

As set forth in his request for a sixty (60) day delay/extension of the hearing and pre-filing dates, Mr. Tonjes states that he received copies of Shoals Sewer's rate increase

application on January 10, 2003, being the same day that he received notice of the hearing and prefile dates. Mr. Tonjes asserts that this does not allow him enough time to go through the materials and present his case. According to Mr. Tonjes, a sixty (60) day delay/extension of the hearing date and prefile dates will allow him sufficient time to go through the application and present his case.

Upon consideration of Mr. Tonjes' Request, the Commission denies the request for a sixty (60) day delay/extension of the hearing and prefile dates. We believe Mr. Tonjes' reasoning for his request of an additional sixty (60) days is not warranted in this matter. We uphold the present hearing date of February 18, 2003. However, we grant a one week extension for filing testimony and exhibits of the Commission Staff and/or intervenors as we believe this allows Mr. Tonjes a feasible time to prepare and present his case.

Accordingly, Order No. 2003-6, dated January 7, 2003, captioned "Order Establishing Prefiling Deadlines" is modified as follows¹:

The Commission hereby orders that twenty-five copies of the direct testimony and exhibits of the Commission Staff and/or intervenors shall be pre-filed on or before **February 11, 2003**. (Direct testimony and exhibits may be post-marked on these dates.) Also, any rebuttal testimony and exhibits of the Applicant shall be pre-filed on or before **February 13, 2003**, and any surrebuttal testimony and exhibits of the Commission Staff and/or intervenors shall be pre-filed on or before **February 14, 2003**. (Rebuttal testimony

¹ The modifications herein relate only to the due dates for prefiling of testimony and exhibits. The instructions concerning filing, number of copies to be filed, and service on other parties have not been modified from Order No. 2003-6, but those instructions are repeated herein for emphasis to the parties.

and exhibits and surrebuttal testimony and exhibits must be in the offices of the Commission and in the hands of the parties on these dates.)

It should be noted that acceptance into the record of surrebuttal testimony and exhibits is subject to the discretion of the Commission. In addition, parties shall serve their pre-filed testimony and exhibits on all other parties of record as required by the Commission's Rules and Regulations. All parties are reminded that all witnesses must be present during any hearing in this matter at the call of the Chairman, or the Commission may decline to allow the witnesses' testimony to be read into the record of the proceeding, and/or may decline to allow the witnesses' exhibits to be entered into the evidence of the case.


Please take notice that any party requesting modification of this schedule must file a request for such modification with the Commission.

IT IS THEREFORE ORDERED:


1. The scheduling order for filing testimony and exhibits as set out by Order No. 2003-6, dated January 7, 2003, is hereby modified as outlined above.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Mignon L. Clyburn, Chairman

ATTEST:


Gary E. Walsh, Executive Director

(SEAL)